

Attorney Docket No.: CORA-007CIP
U.S. Serial No.: 09/728,171

REMARKS

In view of the above amendments and the following remarks, the Examiner is respectfully requested to withdraw the rejections and allow Claims 1-5, 7-12 and 14-19, 21 to 27 and 29 to 30, the only claims pending and under examination at this time following entry of the above amendments.

Claim 21 has been amended to incorporate Claim 28, and Claim 28 has correspondingly been cancelled. As the above amendments introduce no new matter, there entry by the Examiner is respectfully requested.

The Examiner has maintained the rejection of Claims 1-5, 7-12 and 14-19 under 35 U.S.C. § 102(e) as being anticipated by Hausheer. In maintaining this rejection, the Examiner asserts that the hypodermic needle or catheter delivery device of Hausheer could be employed to dynamically introduce fluid to a vascular site and therefore the kit claims do not distinguish over Hausheer.

However, as will be demonstrated below, the bare mention of the term catheter does not teach, or even suggest, a fluid introduction device that must be able to simultaneously introduce fluid into and remove fluid from a vascular site. Such a device must have, at a minimum, separate fluid introduction and removal lumens.

As previously reviewed, the claimed kits are limited such that the fluid delivery device must be one that is able to introduce a fluid to and simultaneously remove it from a vascular site. Such a device must necessarily have at least separate or distinct fluid introduction and fluid removal conduits, so as to provide for this simultaneous action.

The reference cited by the Examiner discloses a method based on systemic administration of a fluid, and therefore does not teach or even suggest a device as

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required in the above claims. Specifically, there is no teaching in Hausheer of a device that can simultaneously introduce and remove fluid from a vascular site. More specifically, there is no teaching or even suggestion of a device that has at least separate fluid introduction and removal conduits. Without any teaching or suggestion of such, a bare reference to a catheter merely means a reference to a device that can introduce fluid into a subject, **but not remove fluid at the same time as fluid is being introduced**. As such, Hausheer fails to teach a kit that includes the recited fluid delivery devices.

Because Hausheer fails to teach each and every element of the claimed kit, e.g., the recited fluid delivery devices, Hausheer fails to anticipate Claims 1-5, 7-12 and 14-19 under 35 U.S.C. § 102(e) and this rejection may be withdrawn.

The Examiner has also rejected Claims 21 to 30 under 35 U.S.C. § 102(e) as being anticipated by Hausheer. In making this rejection, the Examiner asserts that the hypodermic needle or catheter delivery device of Hausheer could be employed to dynamically introduce fluid to a vascular site and therefore the kit claims do not distinguish over Hausheer.

As previously reviewed, the claimed kits are limited such that the fluid delivery device must be one that is able to introduce a fluid to and **simultaneously remove it from** a vascular site. Such a device must necessarily have at least separate or distinct fluid introduction and fluid removal conduits, so as to provide for this simultaneous action.

The reference cited by the Examiner discloses a method based on systemic administration of a fluid, and therefore does not teach or even suggest a device as required in the above claims. Specifically, there is no teaching in Hausheer of a device that can simultaneously introduce and remove fluid from a vascular site. More specifically, there is no teaching or even suggestion of a device that has at least separate fluid introduction and removal conduits. Without any teaching or suggestion of

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such, a bare reference to a catheter merely means a reference to a device that can introduce fluid into a subject, **but not remove fluid at the same time as fluid is being introduced**. As such, Hausheer fails to teach a kit that includes the recited fluid delivery devices.

Because Hausheer fails to teach each and every element of the claimed kit, e.g., the recited fluid delivery devices, Hausheer fails to anticipate Claims 21 to 30 under 35 U.S.C. § 102(e) and this rejection may be withdrawn.

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CONCLUSION

In view of the above amendments and remarks, this application is considered to be in good and proper form for allowance and the Examiner is respectfully requested to pass this application to issuance. The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815.

Respectfully submitted,

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